

IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF ARKANSAS  
WESTERN DIVISION

CITY OF DARDANELLE and  
YELL COUNTY WILDLIFE FEDERATION

PLAINTIFFS

v.

No. 4:14-cv-98-DPM

DEPARTMENT OF TRANSPORTATION;  
FEDERAL HIGHWAY ADMINISTRATION;  
ARKANSAS STATE HIGHWAY &  
TRANSPORTATION DEPARTMENT;  
and RIVER VALLEY REGIONAL  
INTERMODAL AUTHORITY

DEFENDANTS

ORDER

1. The federal defendants' motion to strike is granted with a caveat—they have pledged to consider *No. 71-2* in the reevaluation. *No. 74-3 at ¶ 14*. The Court directs that those comments be made part of the supplemental administrative record and considered.

2. Plaintiffs' motion to lift the stay, *No. 79*, is denied without prejudice. The Court notes, though, that a final decision has been promised for many months. *E.g., No. 66 at 1*. The Court expects defendants to meet their new January 2016 internal deadline. *No. 80-1 at 3*. The plaintiffs' last-minute comments have added to the delay; but it's time nonetheless to move this dispute forward.

\* \* \*

Motion, *No* 74, granted with a caveat: *No* 71, 71-1 & 71-2 are stricken; but the federal defendants must include *No* 71-2 in the supplemental administrative record and consider those comments. Motion to lift stay, *No* 79, denied without prejudice.

So Ordered.

*D.P. Marshall Jr.*  
D.P. Marshall Jr.  
United States District Judge

*22 December 2015*